

NUSBAUM, STEIN, GOLDSTEIN, BRONSTEIN & KRON

A Professional Corporation
Counsellors At Law

LEWIS STEIN*
ALAN D. GOLDSTEIN
RONALD W. BRONSTEIN
PATRICIA E. ROCHES
LARRY I. KRON
ROBERT D. KOBIN[□]
SHARON L. FREEMAN+ ^
SUSAN B. REED
STEVEN J. LOEWENTHAL [◇]

20 Commerce Boulevard, Suite E
Succasunna, New Jersey 07876
973-584-1400
973-584-8747
Email: nsGBK.office@verizon.net

- Of Counsel -
PAUL R. NUSBAUM

CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A

*Civil Trial Attorney

•Matrimonial Attorney

^Workers' Compensation Attorney

□Member Florida Bar

◇Member New York Bar

+Member Pennsylvania Bar

December 16, 2004

Ronald A. Abramowitz, A.P.
Middlesex County Prosecutor's Office
25 Kirkpatrick St., 3rd Floor
New Brunswick, NJ 08903-0071

Re: Kandil, Bassem advs. State of N.J.
Summons No. Q 170743
Complaint No. – W-2004-002243-1213

Dear Sir/Madam:

As you know, I represent Bassem Kandil regarding the above referenced matter.

In that regard I am writing to request that you preserve the following for our eventual inspection and review:

1. Any and all dispatch logs;
2. Any and all audio tapes of any radio transmissions;
3. Any and all tapes from video cameras mounted in patrol cars; and
4. Any and all tapes of security cameras at New Brunswick Police Headquarters.

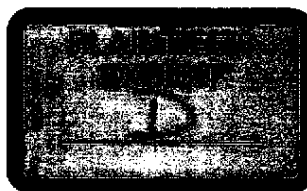
By copy of this letter I am advising Director Joseph Catanese of this request as well as the New Brunswick Police Department Records Custodian.

Thank you for your anticipated cooperation.

Very truly yours,

RDK/jeb
cc: Director Joseph Catanese
New Brunswick P.D. Records Custodian
1110.2

Robert D. Kobin



NUSBAUM, STEIN, GOLDSTEIN, BRONSTEIN & KRON

A Professional Corporation
Counsellors At Law

LEWIS STEIN*
ALAN D. GOLDSTEIN
RONALD W. BRONSTEIN
PATRICIA E. ROCHE*
LARRY I. KRON
ROBERT D. KOBIN*
SHARON L. FREEMAN+ ^
SUSAN B. REED
STEVEN J. LOEWENTHAL ◊

20 Commerce Boulevard, Suite E
Succasunna, New Jersey 07876
973-584-1400
Fax: 973-584-8747
Email: nsgbk.office@verizon.net

January 3, 2005

no video
y - in video log
- Of Counsel -
PAUL R. NUSBAUM
CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A
*Civil Trial Attorney
*Matrimonial Attorney
^Worked Compensation Attorney
◻Member Florida Bar
◊Member New York Bar
+Member Pennsylvania Bar

Ronald A. Abramowitz, AP
Middlesex County Prosecutor's Office
25 Kirkpatrick Street
3d Floor
New Brunswick, NJ 08903-0071

Re: State v. Bassem Kandil
Ind. No. 04-12-01694-I

Dear AP Abramowitz:

As you know, we represent Mr. Bassem Kandil in the above referenced matter.

On November 10, 2004 and December 16, 2004 we requested that you preserve 1) any and all dispatch logs, 2) any and all audio tapes of any radio transmissions, 3) any and all tapes from video cameras mounted in patrol cars, and 4) any and all tapes of security cameras at the New Brunswick Police Headquarters. To date, we have not received a reply to these letters. At this time, we request a copy of the above referenced items as supplemental discovery from the state.

In addition, we request a copy of the complete internal affairs file regarding this matter to include both the Middlesex County Prosecutor's Office and New Brunswick Police Department investigations.

Lastly, please provide this office with any and all discovery pursuant to R. 3:13-3(c) which includes the following:

1. Books tangible objects, papers or documents obtained from or belonging to the defendant,

2. Records of statements or confessions signed or unsigned by the defendant or copies thereof, and a summary of any admissions or declarations against penal interest made by the defendant that are known to you but not recorded,

3. Grand jury proceedings recorded pursuant to R. 3:6-6,

4. Results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the matter or copies of these tests or experiments made in connection with the matter or copies of these results or reports, that are within the possession, custody or control of you,

5. Reports or records of defendant's prior convictions,

6. Books, originals or copies of papers and documents, or tangible objects, buildings or places that are within the possession, custody or control of you,

7. Names and addresses of any persons whom you know to have relevant evidence or information, including a designation by you as to which of those persons you may call as witnesses,

8. Record of statements, signed or unsigned, by the persons described by subsection (7) above, or by co-defendants within the possession, custody or control of the prosecuting attorney, and any relevant record of prior conviction of those persons,

9. Police reports that are within the possession, custody or control of you,

10. Warrants, that have been completely executed, and any papers accompanying them, as described by R. 7:5-1(a),

11. The names and addresses of each person whom you expect to call to trial as an expert witness, the expert's qualifications, the subject matter on which the expert is expected to testify, a copy of the report, if any, of the expert witness, or if no report was prepared, a statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. If this information is requested and not furnished, the expert witness may, upon

application by the defendant, be barred from testifying at trial.

Very truly yours,

Susan B. Reed

NUSBAUM, STEIN, GOLDSTEIN, BRONSTEIN & KRON

A Professional Corporation
Counsellors At Law

LEWIS STEIN*
ALAN D. GOLDSTEIN
RONALD W. BRONSTEIN
PATRICIA E. ROCHE*
LARRY I. KRON
ROBERT D. KOBIN*
SHARON L. FREEMAN+ ^
SUSAN B. REED
STEVEN J. LOEWENTHAL *

20 Commerce Boulevard, Suite E
Succasunna, New Jersey 07876
973-584-1400
Fax: 973-584-8747
Email: nsgbk.office@verizon.net

- Of Counsel -
PAUL R. NUSBAUM

CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A

*Civil Trial Attorney

*Matrimonial Attorney

^Workers' Compensation Attorney

□Member Florida Bar

◇Member New York Bar

+Member Pennsylvania Bar

February 18, 2005

Ronald A. Abramowitz, AP
Middlesex County Prosecutor's Office
25 Kirkpatrick Street
3d Floor
New Brunswick, NJ 08903-0071

Re: State v. Bassem Kandil
Ind. No. 04-12-01694

Dear AP Abramowitz:

This letter follows up on my discovery requests.

I understand from yesterday's status conference that neither your office nor the New Brunswick Police Department are in possession of a videotape of the incident. Please confirm this in writing.

I was given a copy of a dispatch report, however it only deals with two police cars. More than two cars responded to this incident because back-up was requested by the original responding car, at least twice. Provide this office with copies of the additional dispatch reports.

To date, you have not provided this office with a copy of the audio tapes and/or radio log transmissions. Provide this office with a copy of the audio tapes and/or radio log transmissions.

Very truly yours,

Susan B. Reed

file copy

NUSBAUM, STEIN, GOLDSTEIN, BRONSTEIN & KRON

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
20 COMMERCE BOULEVARD
SUCCASUNNA, NEW JERSEY 07876

973-584-1400

FAX: 973-584-8747

Email: nsgbk.office@verizon.net

— OF COUNSEL —
PAUL R. NUSBAUM

LEWIS STEIN*
ALAN D. GOLDSTEIN
RONALD W. BRONSTEIN
PATRICIA E. ROCHE°
LARRY I. KRON
ROBERT D. KOBIN°
SHARON L. FREEMAN^+
SUSAN B. REED
KURT G. LIGOS°

CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A

*CIVIL TRIAL ATTORNEY

°MATRIMONIAL ATTORNEY

^WORKERS' COMPENSATION ATTORNEY

□ MEMBER FLORIDA BAR

+ MEMBER PENNSYLVANIA BAR

° MEMBER NEW YORK BAR

August 1, 2005

Sheree Pitchford, AP
Middlesex County Prosecutor's Office
25 Kirkpatrick Street
3d Floor
New Brunswick, NJ 08903-0071

VIA FACSIMILE: (732) 745-3300 2791 ✓

Re: State v. Bassem Kandil
Ind. No. 04-12-01694

Dear AP Pitchford:

I have had an opportunity to review the materials you provided to me as supplemental discovery after our last court appearance.

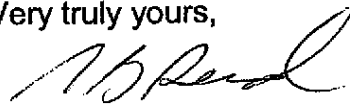
Although you have provided me with the statements of the Robert Wood Johnson employees taken by the New Brunswick Police Department and a copy of the radio transmissions, you have still not provided me with the balance of the items.

For example, the following items still have not been turned over:

1. All dispatch logs.
2. The names and addresses of the female witness that PO Yurkovic and PO Oels were speaking to.
3. Page 3 of 3 of PO Hansen's report.
4. The supplemental report of Sgt. Oels that was referred to in the Internal Affairs report.
5. The Internal Affairs statements, notes and/or memorandums of the interviews of the officers.

Some of these items were even referenced in the discovery packet, so they must exist. Please advise if it is still your position that these and the other items requested in the Notice of Motion to Compel Discovery do not exist. If so, my position will be to ask the court to bar their use at trial.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. B. Reed", written in a cursive style.

Susan B. Reed